

ESTTA Tracking number: **ESTTA287879**

Filing date: **06/04/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91180232
Party	Plaintiff NKOTB, Inc.
Correspondence Address	Peter D. Rosenthal, Esq. Roberts Ritholz Levy Sanders Chidekel & Fields LLP 235 Park Avenue South, 3rd Floor New York, NY 10003 UNITED STATES prosenthal@robritlegal.com
Submission	Other Motions/Papers
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Date	06/04/2009
Attachments	Stipulation 6-1-09 (w Certificate of Service).pdf ( 3 pages )(85205 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of USPTO Application Serial No. 78697224  
For the mark NEW KIDS ON THE BLOCK

NKOTB, Inc.  
("Opposer")

vs.

SM Productions  
("Applicant")

Opposition No. 91180232

STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned  
*pro se* Applicant and counsel for Opposer, that:

1. Opposer has not lost interest in or conceded this proceeding and the parties have been and remain actively engaged in settlement negotiations.
2. The proceeding and trial period herein shall be suspended for a period of thirty (30) days from the date of the Board's order granting such stipulation.
3. If the parties do not notify the Board that they have reached agreement regarding the settlement of this proceeding by the end of such thirty (30) day period or the Board does not otherwise further extend or suspend the trial period, then the opposition proceedings herein shall automatically resume and trial dates shall be reset as indicated below:

30-day testimony period for party in  
position of plaintiff to close:

**December 1, 2009**

30-day testimony period for party in  
Position of defendant to close:

**January 30, 2010**

15-day rebuttal testimony period  
to close:

**February 13, 2010**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits must be served on the adverse party within thirty (30) days after completion of taking of testimony. Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

4. This Stipulation may be executed in counterparts and exchanged via facsimile or electronic mail.

Dated: New York, New York  
June 1, 2009

ROBERTS RITHOLZ LEVY SANDERS  
CHIDEKEL & FIELDS LLP

By: 

Peter D. Rosenthal

235 Park Avenue South, 3<sup>rd</sup> Floor  
New York, NY 10003

*Attorneys for Opposer*

SM PRODUCTIONS

By: 

Denny Marte, Partner

151 1<sup>st</sup> Ave., Suite 176  
New York, NY 10003

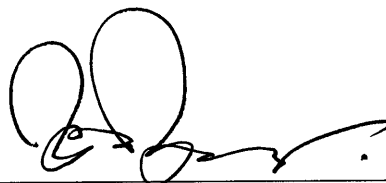
*Pro se Applicant*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the foregoing STIPULATION has been served on SM Productions by mailing said copy on June 4, 2009 via first class U.S. mail, postage prepaid, to its address of record, namely:

SM Productions  
151 1<sup>st</sup> Ave., Suite 176  
New York, NY 10003

Dated: New York, New York  
June 4, 2009

By:   
Peter D. Rosenthal